

# EXHIBIT 1



## Notice of Service of Process

null / ALL  
Transmittal Number: 28496071  
Date Processed: 02/08/2024

**Primary Contact:** Essence Oliphant  
Dollar Tree Stores Inc  
500 Volvo Pkwy  
Chesapeake, VA 23320-1604

**Electronic copy provided to:** Heather Hunter  
JJ Jacobson-Allen

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**Entity:** Dollar Tree Stores, Inc.  
Entity ID Number 3697563

**Entity Served:** Dollar Tree Stores, Inc.

**Title of Action:** Andree Carwile vs. Dollar Tree Stores, Inc.

**Matter Name/ID:** Andree Carwile vs. Dollar Tree Stores, Inc. (15256437)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Personal Injury

**Court/Agency:** Kalamazoo County Circuit Court, MI

**Case/Reference No:** 24-0034-NO

**Jurisdiction Served:** Michigan

**Date Served on CSC:** 02/07/2024

**Answer or Appearance Due:** 28 Days

**Originally Served On:** CSC

**How Served:** Certified Mail

**Sender Information:** The Sam Bernstein Law Firm, PLLC  
248-538-3158

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

Approved, SCAO

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 9TH JUDICIAL CIRCUIT COUNTY	<b>SUMMONS</b>	<b>CASE NO.</b> 24- 0034 -NO Honorable Curtis J. Bell
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## Court address

330 Eleanor St., Kalamazoo MI 49007

## Court telephone no.

(269) 383-8837

## Plaintiff's name, address, and telephone no.

 ANDREE CARWILE  
 332 Timber Ridge Drive  
 Kalamazoo, MI 49006

## Defendant's name, address, and telephone no.

 DOLLAR TREE STORES, INC.  
 c/o CSC-Lawyers Incorporating Service Company  
 3410 Belle Chase Way, Ste. 600  
 Lansing, MI 48911

v

## Plaintiff's attorney, bar no., address, and telephone no.

 GREGORY A. LIGHT (P52019)  
 THE SAM BERNSTEIN LAW FIRM, PLLC  
 31731 Northwestern Hwy., Ste. 333  
 Farmington Hills, MI 48334  
 (248) 538-3158/Fax (248) 737-4392

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

 been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_

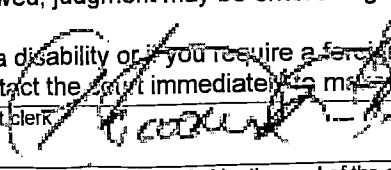
 The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately.

Issue date <b>January 17, 2024</b>	Expiration date* <b>April 17, 2024</b>	Court clerk 
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

ANDREE CARWILE,

Plaintiff,

Case No. 24- 0034 - NO

v

Hon. Curtis J. Bell

DOLLAR TREE STORES, INC.,

Defendant.

THE SAM BERNSTEIN LAW FIRM, PLLC

BY: GREGORY A. LIGHT (P52019)

Attorneys for Plaintiff

31731 Northwestern Hwy., Ste 333

Farmington Hills, MI 48334

(248) 538-3158

[glight@sambernstein.com](mailto:glight@sambernstein.com)

[twirtjes@sambernstein.com](mailto:twirtjes@sambernstein.com) – Sec.

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

**COMPLAINT**

NOW COMES the Plaintiff, ANDREE CARWILE, by and through her attorneys, The Sam Bernstein Law Firm, PLLC, by GREGORY A. LIGHT, and for her cause of action against the Defendant, DOLLAR TREE STORES, INC., respectfully states to this Honorable Court as follows:

THE  
**SAM BERNSTEIN**  
LAW FIRM

31731 NORTHWESTERN HIGHWAY

SUITE 333

FARMINGTON HILLS,

MICHIGAN 48334-1669

(800) 225-5726

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LIABILITY COMPANY

1. That Plaintiff, ANDREE CARWILE, at all times pertinent hereto, was a resident of the City of Kalamazoo, County of Kalamazoo, State of Michigan.

2. That Defendant, DOLLAR TREE STORES, INC., is a foreign for-profit corporation duly licensed and authorized to do business in the State of Michigan and does business in the City of Kalamazoo, County of Kalamazoo, State of Michigan, and whose registered agent with the State of Michigan is CSC-LAWYERS INCORPORATING SERVICE located at 3410 Belle Chase Way, Ste. 600, Lansing, MI 48911.

~~3. That all the acts, transactions and occurrences the subject of this lawsuit arose in~~  
the City of Kalamazoo, County of Kalamazoo, State of Michigan.

4. That the amount in controversy in this litigation exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

5. That on or about January 15, 2022, Defendant was then and there the owner, operator and/or in control of the premises known as the DOLLAR TREE store located at 1722 W. Main Street, Kalamazoo, Michigan, 49006, exercising control over the common sidewalk and walkway areas and parking lots thereof.

6. That on the aforementioned date, your Plaintiff, ANDREE CARWILE, was lawfully upon the aforementioned premises and while walking carefully did slip and fall to the ground with great force and violence due to the dangerous conditions then and there existing, to-wit: ice

7. That at all times relevant hereto, the Defendant, DOLLAR TREE STORES, INC., owed a duty to Plaintiff, who was lawfully upon said premises, to maintain the premises in a safe condition free from danger, to exercise reasonable care to diminish the hazards of natural accumulation of ice and snow, and such duty further required that reasonable and appropriate

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measures, in light of existing and created circumstances, be taken within a reasonable time after an accumulation of ice.

8. That in total disregard of such duties, the Defendant, DOLLAR TREE STORES, INC., at all times material herein, breached said duties in one or more of the following particulars, but not necessarily limited to:

- (a) Negligently, carelessly and recklessly removing snow from the premises and placing it on a portion of the premises where it was known or should have been known in the exercise of reasonable care that snow would melt and form into ice onto the common sidewalks and parking lot creating a dangerous and hazardous condition to individuals who traverse said areas;
- (b) Negligently, carelessly and recklessly maintaining the premises in a dangerous condition which constituted the creation of an unnatural accumulation of ice when it was known or should have been known that the particular landscaping and configurations of their property posed a propensity toward the formation of a hazardous and unsafe condition of ice;
- (c) Negligently, carelessly and recklessly increasing the hazard of walking on ice on the sidewalks and/or walkways by the creation of the aforesaid accumulation and by failing to correct said situation;
- (d) Negligently, carelessly and recklessly failing to keep said common sidewalks and parking lot areas properly clear and free from hazards after the affirmative acts of Defendant which did create, cause and/or contribute to an unnatural accumulation of ice as hereinbefore described;
- (e) Negligently, carelessly and recklessly allowing unnatural accumulations of ice to remain on the property so as to endanger those persons lawfully upon same;
- (f) Negligently, carelessly and recklessly failing to remove a dangerous condition then and there existing from the property;
- (g) Negligently, carelessly and recklessly maintaining a hazardous condition on property flowing from Defendant's premises;

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- (h) Negligently, carelessly and recklessly failing to provide Plaintiff reasonable and safe means of necessary access in and about said premises, and to keep him safe from dangerous unnatural accumulations of snow and ice;
- (i) Negligently, carelessly and recklessly failing to keep the premises and all common areas herein fit for the foreseeable uses and in proper repair pursuant to MCLA 554.139.
- (j) Negligently, carelessly and recklessly failing to sand, salt and/or remove said ice from said premises, after notice of the dangerous condition thereof;
- (k) Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiff and those like him from and against the hazards arising from the unnatural accumulation of ice;
- (l) Negligently, carelessly and recklessly allowing said common sidewalks and parking lot to become and remain in poor repair;
- (m) Negligently, carelessly and recklessly failing to inspect said premises so as to discover a dangerous condition of which Defendant knew or had reason to know existed;
- (n) Negligently, carelessly and recklessly failing to alleviate a dangerous condition which Defendant knew or had reason to know existed;
- (o) Negligently, carelessly and recklessly failing to warn Plaintiff and those persons like Plaintiff of the dangerous condition then and there existing;
- (p) Breaching its contract to properly perform snow and ice maintenance services to Plaintiff, a party to that contract or a third-party beneficiary of that contract;
- (q) In presenting and maintaining a nuisance on its premises;
- (r) In violating safety codes, including local statutes and ordinances, the Michigan Building Code and/or the International Property Maintenance or Building Codes, among others;
- (s) In otherwise negligently, carelessly and recklessly failing to exert that degree of care, caution and diligence as would be demonstrated by a reasonable prudent person under the same or similar circumstances and in otherwise causing the injuries and damages to Plaintiff as hereinafter alleged;

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- (t) Negligently, carelessly and recklessly being guilty of other acts or negligence currently unknown to Plaintiff, but which will be ascertained through the discovery process.

9. That as a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant, Plaintiff, ANDREE CARWILE, was caused to fall to the ground with great force and violence and to suffer severe, grievous and permanent personal injuries, disability and damages, the full extent and character of which are currently unknown, but which will include but are not necessarily limited to:

- (a) Fractured right shoulder;
- (b) Fractured right arm;
- (c) Surgical repair of shoulder and arm;
- (c) An aggravation of pre-existing back condition;
- (d) Scarring and disfigurement;
- (e) Various and diverse injuries to the extremities with all attendant injuries to bones, muscles, tissues, nerves, cartilages, ligaments and tendons thereof;
- (f) Pain, suffering, discomfort, disability, extreme physical and emotional suffering;
- (g) Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- (h) Loss of the natural enjoyments of life; and
- (i) Expenditures for physicians, hospitals, medicinal things and substances and lost wages and/or loss of earning capacity;

WHEREFORE, Plaintiff, ANDREE CARWILE, prays this Honorable Court award him damages in whatever amount to which he is entitled to receive, together with costs, interest and attorney fees.



Respectfully submitted,

THE SAM BERNSTEIN LAW FIRM, PLLC

*/s/ Gregory A. Light*

Dated: January 17, 2024

GREGORY A. LIGHT (P52019)  
Attorneys for Plaintiff  
31731 Northwestern Hwy., Ste. 333  
Farmington Hills, MI 48334  
(248) 538-3158  
[glight@sambernstein.com](mailto:glight@sambernstein.com)

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<b>STATE OF MICHIGAN</b> <b>JUDICIAL DISTRICT</b> <b>JUDICIAL CIRCUIT</b> <b>COUNTY</b> 9TH Kalamazoo	<b>JURY DEMAND</b>	<b>CASE NO. and JUDGE</b> 24-      0034      -NO
<b>Court address</b> 330 Eleanor St., Kalamazoo MI 49007		<b>Court telephone no.</b> (269) 383-8837
Plaintiff's/Petitioner's name ANDREE CARWILE	<b>v</b>	Defendant's/Respondent's name DOLLAR TREE STORES, INC.
Plaintiff's/Petitioner's address and telephone no. or attorney name, bar no., address, and telephone no. GREGORY A. LIGHT (P52019) THE SAM BERNSTEIN LAW FIRM, PLLC 31731 Northwestern Hwy., Ste. 333 Farmington Hills, MI 48334 / (248) 538-3158		Defendant's/Respondent's address and telephone no. or attorney name, bar no., address, and telephone no.
In-the matter of <u>ANDREE CARWILE v DOLLAR TREE STORES, INC.</u>		

1. I demand a jury trial.

1/17/2024

Date

Signature

*Greg A. Light*